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OCT 27 2004

In re Application of : OFFICE OF PETITIONS
Merrem et al. :
Application No. 10/810,047 : ON PETITION
Deposited: March 25, 2004 :
Attorney Docket No.: 14572P- :
060210US :
Title of Invention: PORTABLE :
ELECTRONIC DEVICE PHYSICAL SECURITY :
APPARATUS WITH ALARMED CABLE

This is a decision on the Petition for Filing Date filed October 12, 2004, requesting that the above-identified application be accorded the filing date of March 25, 2004.

Application papers in the above-identified application were deposited on March 25, 2004. However, on August 6, 2004, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application", notifying applicant that the application papers had not been accorded a filing date because the application was deposited without drawings.¹

In response, 12 sheets of drawings, including figures 1-22 and the present petition were filed on October 12, 2004. The petition contends that the application as filed included 12 sheets of drawings and were described in the original filed specification. In support, the petition is accompanied by a copy of applicants' postcard receipt which acknowledges receipt in the office of 12 sheets of Drawings on March 25, 2004.

Applicants' postcard receipt is prima facie² evidence that

¹See 35 U.S.C. 111(a) (4)

²A postcard receipt which itemizes and properly identifies the items which are being filed serves as prima facie evidence of receipt in the office of all items listed thereon. See MPEP 503.

drawings were received on March 25, 2004, but no drawings are present in the file. Hence, it is clear that the papers for this application were mishandled by the Office. Therefore, it is concluded that 12 sheets of drawings, including figures 1-22, were received on March 25, 2004, as shown in counsel's file, and later misplaced in the Office.

The petition is Granted. Accordingly, deposit account 20-1430 is being credited with the \$130.00 petition fee.

Since the original drawings cannot be located in the Office, the copy of the drawings supplied on October 12, 2004, will be used for processing and examination purposes.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of March 25, 2004, using the 12 sheets of drawings supplied on October 12, 2004.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3215.



Charlema R. Grant
Petitions Attorney
Office of Petitions